

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

**TERRORIST ATTACKS ON
SEPTEMBER 11, 2001**

03-MDL-170 (GBD)(SN)

**JOHN ACTISDANO; DOMINICK
APRILE; JOE ARGUELLO; LESLIE
ARIAS; KEVIN BOUYEA; RAYMOND
BRENNAN; LAWRENCE BRUNO; PAUL
CARBO; STEPHEN CLARKE; ROSE
CONDELLO; DAISY COTTO;
EDUARDO COTTO; MILORD
COULOUE; MICHAEL CRONIN;
PETER CUMMINGS; CHRISTOPHER
DAND; LAURA DEMICHELE; DANIEL
DIGIOVANNI; MICHAEL
DOMINGUEZ; GIL DOREMUS; BRIAN
EGAN; TODD ENGWER; PETER
ESCOBEDO; EFRAIN FERNANDEZ;
JERRY FERNANDEZ; THOMAS
FERRANTE; ROBERT FINN; ERIC
FIORELLI; ROBERT FITZSIMMONS;
ROBERT FLEMING ; LUCRITIA
GAYLE; CARL GERRATO; FRANK
GRAVANO; MICHAEL GRELLA; JOHN
HAGAN; DENNIS HAYES; RICHARD
HORDYSZYNSKI; KELLY HORVATH;
JOHN HYNES; JOSEPH IPPOLITI;
ROBERT JACOBSEN; RAPHAEL
JARVIS; WILLIAM KASTEN;
MICHAEL KELLY; STEPHEN KELLY;
GEORGIANNE KRAFT; RANDY
KUBASIAK; JOELLEN KUNKEL;
THOMAS LARKIN; THOMAS
LIBRETTI; JOHN LOMBARDI;
MARTIN LUONGO; CHRISTOPHER
MAEDER; GEORGE MARSHALL;
MICHAEL MARTIN; ERIC
MAZZELLA; MICHAEL
MCCORMACK; THOMAS MCDONALD;
MICHAEL MCELROY; RICHARD
MCKENNA; RONALD MEHR; JOSEPH**

XX-CV-XXXXX (GBD)(SN)

**SAUDI ARABIA SHORT FORM
COMPLAINT AND DEMAND FOR
TRIAL BY JURY**

**METZLER; RICHARD MILLA; GARY
MILLAN; DANIEL MULVANERTY;
JOHN O'BRIEN; MICHAEL O'BRYAN;
VALERIE ORTIZ; CLAUDE O'SHEA;
STEVEN PILLA; RUSSELL
PLEVRETES; JAN PRZYBYCIEN;
JOHN QUINN; TIMOTHY QUINN;
JOHN REED; ALTAMONT REID;
DARREN RENNA; THOMAS SANTORO;
PETER SCALICI; DANIEL
SCHARFGLASS; STEPHEN SCHMITT;
WAYNE STERNEMANN; GARY
STROTHENKE; CHRISTOPHER
TEINER; RADOSLAW TEREPKA;
STEVEN TORRES; DENNIS
TORTORELLA; GINA TRIPOLI;
GERALDO USCATEGUI; ROBERT
USEWICZ; JOHN VIOLA; LOUIS
VITTIGLIO; KEVIN WALDRON;
DANIEL WIESE; MARC WILLIAMS;
MERCEDES WOODS; LEONARD
WRIGHT; ROBERT YOUNG; JEFFREY
ZAWADZKI; RUDY ZOTTER;**

Plaintiffs,

-against-

KINGDOM OF SAUDI ARABIA,

Defendant.

Plaintiffs named herein by and through the undersigned counsel file this Short Form Complaint against Defendant, the Kingdom of Saudi Arabia, arising out of the September 11, 2001 terrorist attacks ("September 11, 2001 Terrorist Attacks"), as permitted and approved by the Court's Order of May 3, 2017, ECF No. 3543. Each Plaintiff incorporates by reference the specific allegations, as indicated below, of (a) the Consolidated Amended Complaint as to the Kingdom of Saudi Arabia, ECF No. 3463, or (b) the Complaint Against the Kingdom of Saudi

Arabia, Ashton v. Kingdom of Saudi Arabia, No. 17-CV-2003 (GBD)(SN) (S.D.N.Y. Mar. 30, 2017), ECF No. 1.

Upon filing this Saudi Arabia Short Form Complaint, each Plaintiff is deemed to have adopted all factual and jurisdictional allegations of the complaint that has been joined as specified below; all prior filings in connection with that complaint; and all prior Orders and rulings of the Court in connection with that complaint.

VENUE

1. Venue in this district is proper pursuant to 28 U.S.C. §§ 1391 (b)(2) and 1391(f)(1), as a substantial part of the events giving rise to the claims asserted herein occurred in this district. Venue is also proper in this district pursuant to 18 U.S.C. § 2334(a).

JURISDICTION

2. Jurisdiction is premised on the grounds set forth in the complaints specified below, and further, jurisdiction of this Saudi Arabia Short Form Complaint is premised upon and applicable to all defendants in this action:

- ☒ 28 U.S.C. § 1605(a)(5) (non-commercial tort exception)
- ☒ 28 U.S.C. § 1605B (Justice Against Sponsors of Terrorism Act)
- ☒ 28 U.S.C. § 1330 (actions against foreign states)
- ☐ Other (set forth below the basis of any additional ground for jurisdiction and plead such in sufficient detail as per the FRCP): _____

_____.

CAUSES OF ACTION

3. Each Plaintiff hereby adopts and incorporates herein by reference the following factual allegations, jurisdictional allegations, and jury trial demand in the following complaint [check only one complaint] and the following causes of action set forth in that complaint:

☒ **Consolidated Amended Complaint as to the Kingdom of Saudi Arabia, ECF No. 3463 (check all causes of action that apply)**

- ☒ COUNT I – Aiding and Abetting and Conspiring with Al Qaeda to Commit the September 11th Attacks upon the United States in violation of 18 U.S.C. § 2333(d) (JASTA).
- ☒ COUNT II – Aiding and Abetting and Conspiring with Al Qaeda to Commit the September 11th Attacks upon the United States in violation of 18 U.S.C. § 2333(a).
- ☒ COUNT III – Committing Acts of International Terrorism in violation of 18 U.S.C. § 2333.
- ☐ COUNT IV – Wrongful Death.
- ☐ COUNT VI – Alien Tort Claims Act.
- ☒ COUNT VII – Assault and Battery.
- ☒ COUNT VIII – Conspiracy.
- ☒ COUNT IX – Aiding and Abetting.
- ☒ COUNT X – Intentional Infliction of Emotional Distress.
- ☒ COUNT XII – Liability Pursuant to Restatement (Second) of Torts § 317 and Restatement (Third) of Agency § 7.05: Supervising Employees and Agents.
- ☒ COUNT XIII – Liability Pursuant to Restatement (Second) of Torts § 317 and Restatement (Third) of Agency § 7.05: Hiring, Selecting, and Retaining Employees and Agents.
- ☐ COUNT XIV – 18 U.S.C. § 1962(a)–(d) – CIVIL RICO.
- ☒ COUNT XV – Trespass.
- ☒ COUNT XVI – Violations of International Law.

- ☐ **Complaint Against the Kingdom of Saudi Arabia, Ashton v. Kingdom of Saudi Arabia, No. 17-CV-2003 (GBD)(SN) (S.D.N.Y. Mar. 30, 2017), ECF No. 1 (check all causes of action that apply)**
- ☐ First Cause of Action to Recover Wrongful Death Damages Pursuant to 28 U.S.C. § 1605B (the Justice Against Sponsors of Terrorism Act or JASTA) and 18 U.S.C. § 2333 *et seq.* (the Anti-Terrorism Act or ATA)
- ☐ First Cause of Action to Recover Personal Injury Damages Pursuant to 28 U.S.C. § 1605B (the Justice Against Sponsors of Terrorism Act or JASTA) and 18 U.S.C. § 2333 *et seq.* (the Anti-Terrorism Act or ATA)
- ☐ Second Cause of Action for Wrongful Death Damages Pursuant to State Tort Law
- ☐ Second Cause of Action for Personal Injury Damages Pursuant to State Tort Law
- ☐ Third Cause of Action for Wrongful Death Damages Pursuant to the Alien Tort Claims Act
- ☐ Third Cause of Action for Personal Injury Damages Pursuant to the Alien Tort Claims Act
- ☐ Each Plaintiff asserts the following additional theories and/or Causes of Action against the Kingdom of Saudi Arabia: _____
- _____
- _____.

IDENTIFICATION OF PLAINTIFFS

4. The following allegations and information are alleged on behalf of each individual who is bringing this claim, as indicated on Appendix 1 to this Saudi Arabia Short Form Complaint, herein referred to as "Plaintiffs."

- a. The citizenship/nationality of each Plaintiff is indicated at Appendix 1 to this Saudi Arabia Short Form Complaint.
- b. Plaintiff is entitled to recover damages on the causes of action set forth in this Saudi Arabia Short Form Complaint.
- c. As indicated at Appendix 1, Plaintiff (i) is the estate representative of someone who was killed as a result of the September 11, 2001 Terrorist Attacks; (ii) is the surviving immediate family member of someone who was

killed as a result of the September 11, 2001 Terrorist Attacks; and/or (iii) suffered physical injuries as a result of the September 11, 2001 Terrorist Attacks.

- d. For those plaintiffs with personal injury claims, as indicated in Appendix 1, on or after September 11, 2001, said Plaintiff was present at the Pentagon and/or the World Trade Center site and/or its surroundings and/or lower Manhattan and/or at an area wherein he/she was exposed to toxins as a result of the terrorist attacks and was exposed to toxins from the attacks, and/or was otherwise injured, and/or as otherwise alleged, as stated specifically in Appendix 1.
- e. For those plaintiffs with personal injury and/or wrongful death claims, as indicated in Appendix 1, as a direct, proximate and foreseeable result of Defendant's actions or inactions, Plaintiff or his or her decedent suffered bodily injury and/or death, and consequently economic and other losses, including but not limited to pain and suffering, emotional distress, psychological injuries, and loss of enjoyment of life, and/or as described in the Saudi Arabia Short Form Complaint, and/or as otherwise may be specified in subsequent discovery proceedings, and/or as otherwise alleged in Appendix 1.
 - a. The name, relationship to the injured and/or deceased September 11 victim, residency, citizenship/nationality, and the general nature of the claim for each plaintiff asserting wrongful death and/or solatium claims is listed on the attached Appendix 1, and is incorporated herein as allegations, with all allegations of the related complaints, as specified above, deemed alleged as to each Plaintiff.

IDENTIFICATION OF THE DEFENDANT

- 5. The only Defendant named in this Saudi Arabia Short Form Complaint is the Kingdom of Saudi Arabia.

NO WAIVER OF OTHER CLAIMS

- 4. By filing this Saudi Arabia Short Form Complaint, Plaintiff(s) is/are not waiving any right to file suit against any other potential defendants or parties.
- 5. By filing this Saudi Arabia Short Form Complaint, Plaintiff(s) are not opting out of any class that the Court may certify in the future.

JURY DEMAND

- 6. Each Plaintiff hereby demands a trial by jury as to the claims in this action.

WHEREFORE, Plaintiffs pray for relief and judgment against Defendant as set forth in this Saudi Arabia Short Form Complaint as appropriate.

Dated: December 10, 2018

Respectfully submitted,

/s/ Jodi Westbrook Flowers

Jodi Westbrook Flowers, Esq.

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COUNSEL FOR PLAINTIFFS

APPENDIX 1

Each line below is deemed an allegation, incorporating the allegations, language, and references within the Saudi Arabia Short Form Complaint to which this Appendix 1 is appended and shall be referenced as Allegation 1 of Appendix 1 to the Saudi Arabia Short Form Complaint, Allegation 2 of Appendix 1 to the Saudi Arabia Short Form Complaint, etc.

	Plaintiff's Name (alphabetical by last name)	Plaintiff's State of Residency at Filing (or death)	Plaintiff's Citizenship/ Nationality on 9/11/2001	9/11 Decedent's Full Name	Plaintiff's Relationship to 9/11 Decedent	9/11 Decedent's Citizenship/ Nationality on 9/11/2001	Nature of Claim (wrongful death, solatium, personal injury)
1	Actisdano, John	PA	USA				personal injury
2	Aprile, Dominick	NJ	USA				personal injury
3	Arguello, Joe	NY	USA				personal injury
4	Arias, Leslie	NY	USA				personal injury
5	Bouyea, Kevin	NY	USA				personal injury
6	Brennan, Raymond	NY	USA				personal injury
7	Bruno, Lawrence	NY	USA				personal injury
8	Carbo, Paul	CT	USA				personal injury
9	Clarke, Stephen	NY	USA				personal injury
10	Condello, Rose	NJ	USA				personal injury
11	Cotto, Daisy	NY	USA				personal injury
12	Cotto, Eduardo	NY	USA				personal injury
13	Couloute, Milord	NY	USA				personal injury
14	Cronin, Michael	FL	USA				personal injury

15	Cummings, Peter	NY	USA				personal injury
16	Dand, Christopher	NY	USA				personal injury
17	DeMichele, Laura	NY	USA				personal injury
18	DiGiovanni, Daniel	NY	USA				personal injury
19	Dominguez, Michael	NY	USA				personal injury
20	Doremus, Gil	NY	USA				personal injury
21	Egan, Brian	NY	USA				personal injury
22	Engwer, Todd	NY	USA				personal injury
23	Escobedo, Peter	NY	USA				personal injury
24	Fernandez, Efrain	NY	USA				personal injury
25	Fernandez, Jerry	NY	USA				personal injury
26	Ferrante, Thomas	NY	USA				personal injury
27	Finn, Robert	NY	USA				personal injury
28	Fiorelli, Eric	NY	USA				personal injury
29	Fitzsimmons, Robert	NJ	USA				personal injury
30	Fleming , Robert	NY	USA				personal injury
31	Gayle, Lucritia	NY	USA				personal injury
32	Gerrato, Carl	NY	USA				personal injury
33	Gravano, Frank	NY	USA				personal injury
34	Grella, Michael	NY	USA				personal injury
35	Hagan, John	NY	USA				personal injury
36	Hayes, Dennis	NY	USA				personal injury
37	Hordyszynski, Richard	PA	USA				personal injury

38	Horvath, Kelly	NY	USA				personal injury
39	Hynes, John	NY	USA				personal injury
40	Ippoliti, Joseph	NY	USA				personal injury
41	Jacobsen, Robert	NY	USA				personal injury
42	Jarvis, Raphael	NY	USA				personal injury
43	Kasten, William	NY	USA				personal injury
44	Kelly, Michael	NY	USA				personal injury
45	Kelly, Stephen	NJ	USA				personal injury
46	Kraft, Georgianne	NY	USA				personal injury
47	Kubasiak, Randy	NY	USA				personal injury
48	Kunkel, Joellen	NY	USA				personal injury
49	Larkin, Thomas	NY	USA				personal injury
50	Libretti, Thomas	NY	USA				personal injury
51	Lombardi, John	NY	USA				personal injury
52	Luongo, Martin	NY	USA				personal injury
53	Maeder, Christopher	NY	USA				personal injury
54	Marshall, George	NY	USA				personal injury
55	Martin, Michael	NY	USA				personal injury
56	Mazzella, Eric	NY	USA				personal injury
57	McCormack, Michael	PA	USA				personal injury
58	McDonald, Thomas	NY	USA				personal injury
59	Mcelroy, Michael	NY	USA				personal injury
60	McKenna, Richard	NY	USA				personal injury

61	Mehr, Ronald	NY	USA				personal injury
62	Metzler, Joseph	NY	USA				personal injury
63	Milla, Richard	NY	USA				personal injury
64	Millan, Gary	NY	USA				personal injury
65	Mulvanerty, Daniel	NY	USA				personal injury
66	O'Brien, John	NY	USA				personal injury
67	O'Bryan, Michael	NY	USA				personal injury
68	Ortiz, Valerie	NY	USA				personal injury
69	O'Shea, Claude	NY	USA				personal injury
70	Pilla, Steven	NY	USA				personal injury
71	Plevretes, Russell	NY	USA				personal injury
72	Przybycien, Jan	NY	USA				personal injury
73	Quinn, John	NY	USA				personal injury
74	Quinn, Timothy	NY	USA				personal injury
75	Reed, John	NY	USA				personal injury
76	Reid, Altamont	NY	USA				personal injury
77	Renna, Darren	NY	USA				personal injury
78	Santoro, Thomas	NY	USA				personal injury
79	Scalici, Peter	NY	USA				personal injury
80	Scharfglass, Daniel	NY	USA				personal injury
81	Schmitt, Stephen	NY	USA				personal injury
82	Sternemann, Wayne	CT	USA				personal injury
83	Strothenke, Gary	NY	USA				personal injury

84	Teiner, Christopher	NY	USA				personal injury
85	Terepka, Radoslaw	NY	USA				personal injury
86	Torres, Steven	NY	USA				personal injury
87	Tortorella, Dennis	CT	USA				personal injury
88	Tripoli, Gina	NY	USA				personal injury
89	Uscategui, Geraldo	NY	USA				personal injury
90	Usewicz, Robert	NY	USA				personal injury
91	Viola, John	NY	USA				personal injury
92	Vittiglio, Louis	NY	USA				personal injury
93	Waldron, Kevin	NY	USA				personal injury
94	Wiese, Daniel	NY	USA				personal injury
95	Williams, Marc	NY	USA				personal injury
96	Woods, Mercedes	FL	USA				personal injury
97	Wright, Leonard	NY	USA				personal injury
98	Young, Robert	NY	USA				personal injury
99	Zawadzki, Jeffrey	NY	USA				personal injury
100	Zotter, Rudy	NY	USA				personal injury